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H – 1072

International Court of Justice

H1072-0002

SUBMISSION OF AFFIDAVITS BY THE DEFENSE PURSUANT TO THE ORDER OF THE TRIBUNAL DATED 5 JULY 1946.

**********

COMMISSIONER: 19 July, 1946.

Mr. George R. Taylor.

(THE COMMISSION CONVENED AT 1000 HOURS.)

THE GENERAL STAFF.

MR. TAYLOR: We are ready to start with the presentation of affidavits, Dr. Laternser.

DR. LATERNSER: During the last meeting of the commission, I submitted some individual affidavits concerning the not carrying out of the Kommissar order. The following affidavits were approved for translation: Nos. 324 a, 324 b, and 324 c. I herewith hand over to the Commission a list of further sworn affidavits, which prove that the Kommissar order was not carried out.

I herewith close my submission of affidavits concerning this Kommissar decree and it has been proved through these documents that this order, which generally was believed to have been a criminal order, was not approved by the army leaders and that they did not carry it out.

**********

DR. LATERNSER: I now intend to hand over to the commission sworn affidavits concerning the anti-partisan warfare. First of all, I would like to ask for translation of the following affidavits and I would like to hand over sworn Affidavit 933 of the General of Cavalry HARTENECK

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which were ordered by Field Marshall General Von Weichs concerning partisan war-fare.

2. Sworn affidavit No. 935 of MAJOR GENERAL HEIDKAEMPER by which it is shown that Colonel General Reinhardt ordered that the soldier rules be kept during partisan war-fare.

3. Sworn affidavit No. 939 by General of the Infantry Hahm, which is an affidavit in opposition to the ruling handed over by the prosecution in Affidavit No. 15 by General Roettiger.

4. Sworn affidavit No. 1033 of Colonel General Lindemann, which is supposed to oppose the Document handed down by the Prosecution 1786 P.S., according to which the aforementioned general is supposed to give an order that allpartisans would be shot.

5. Sworn affidavit No. 1041 of General of the Artillery von Mellenthin. which proves that even in large scale anti-partisan actions in the rear of the army area, the leadership was under the General of Police von d. Bach, which was under the suppervision of Himmler.

6. I put before the Commission Affidavits Nos. 901 to 904.

Sworn Affidavit 901 is of General von Buttlar and at the time of his interrogation before the Tribunal, he swore under oath it was correct, concerning itself with anti-partisan warfare in all theaters of operation.

// Affidavit No. 902 of General von Gersdorff concerning the anti-partisan warfare in the east.

Sworn Affidavit No. 903 by Field Marshall von Weichs concerning anti-partisan warfare in the southeast.

Sworn Affidavit No. 904 by General Blumentritt concerning the anti-partisan warfare in France.

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All of these afore-named persons state that the anti-partisan warfare, due to its absolute military necessity, had to be carried out and was carried out in accordance with the international laws and the rules of anti-partisan war-fare of 1942 to 1944. The commanders in chief of these groups were only responsible for their army or army group areas. Further to the rear, the responsibility was in the hands of special SS and police leaders and the civil administration concerning the actions of the anti-partisan.

I submit sworn Affidavits Nos. 906 to 909. These sworn affidavits prove that especially cruel activities were carried out by the partisans.

Affidavits Nos. 921 to 924 prove the completely unlawful actions of the partisans, their unlawful clothing and the carrying of weapons.

Sworn Affidavit No. 925 shows the extent of sabotage on railroads. At times more than one thousand sabotage acts or explosives were registered daily.

Sworn Affidavit No. 972 of Colonel General Johannes Friesner shows that 554 Germans in Prisoner of War Enclosure 314 near New Ulm did not know anything about the supposed intention of the German leadership to exterminate thirty million Slavs by way of anti-partisan actions.

I further hand over to you this list of sworn affidavits concerning the/se kind of partisan activities. With that, I close the giving of evidence for the partisan warfare.

**********

H1072 - 0005



DR. KEMPNER: The procedure this morning as followed by the defense counsel is not in line with the regulations given very accurately during and after the last session. Defense counsel was told that three to five affidavits would be accepted for translation and that three to five other affidavits might be summarized and that summarization should be put down in written form right here before the Commission. Therefore, we object against anything which does not follow these rules. We have no objection that the first three or four affidavits on Page one of this report be translated. If the six other affidavits on page two are summarized, we have no objection against that, but they are not summarized as yet.

Then another topic. On page three a number of affidavits are mentioned, discussing partisan warfare. The partisans are not on trial here and that warfare against partisans is a legal act is not relevant here. We are talking only about the illegal actions against partisans. Therefore, the fact that partisan warfare took place, which is obvious and the court knows of these things being executed. This means Affidavits 906 to 909, 921 to 924 and 925, also all affidavits, which relate to this point, are irrelevant.

Affidavit No. 972 points out that General Friesner assures in the form of an affidavit that 554 Germans questioned by him did not know anything of the plans of the German leadership to exterminate thirty million Slavs. We cannot accept an affidavit that some General who is a prisoner of war states that 554 other prisoners of war do not

H1072-0006

know anything about it. This is a new kind of procedure and I do not know under what kind of procedure this affidavit is presented. I think if I would come in with an affidavit and would tell the court or commissioners that I asked one million people in Germany whether the German General Staff was a criminal organization and they all said "yes" that no court would accept such an affidavit as of any relevance.

DR. LATERNSER: I recall Sworn Affidavit No. 972. Concerning the affidavits on page three, I want to state the following. I believe it is important and it is relevant for me to prove that especially cruel methods were used at times by the partisans. It is only human nature that in cases like this that the action by the other side would be more severe, therefore severe actions were also created, even though they were not ordered. That is why these affidavits are relevant.

COMMISSIONER TAYLOR: As to the objections of Dr. Kempner. We will have the court reporter include them in the transcript and they will be submitted to the Commissioners and they will sort them out. We are handling the affidavits in this manner without exception so they can be considered by the Commissioners.

DR. KEMPNER: This is not a definite acceptance?

COMMISSIONER TAYLOR: No. You understand that this is not an acceptance, don't you, Dr. Laternser?

DR. LATERNSER: Yes.

With the partisan warfare closely connected during the over-throw and uprising in Warsaw in 1944 and with the approval of the prosecution, I

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want to read this statement and I would like all of it taken down word for word in the transcript.

DR. KEMPNER: You mean the Warsaw statement?

DR. LATERNSER: Yes.

COMMISSIONER TAYLOR: We will have the Warsaw statement translated and a copy placed in the record.

DR. KEMPNER: It can be translated later.

DR. LATERNSER: I hand the accompaning documents to the court.

(Hands Documents to the Commissioner.)

COMMISSIONER TAYLOR: With the consent of the prosecution, the affidavits will be received and made part of the record.

Dr. Laternser, if we get too many for translation, as Colonel Neave suggested, we may be in a position where only a few can be translated. I don't see how we can get them all translated. Of course, Colonel Neave is trying to get everything translated that counsel desires, but how far he will get with it, I don't know.

**********

DR. LATERNSER: I now go to the question as to whether there ever was a close group in the OKW and OKH, as the prosecution maintains. I herewith suggest that this entire Document consisting of five pages and two lists, the first list consisting of Documents 11 to 21 and the second list consisting of Documents 34 to 54, be taken by the court and considered as read into the record. I herewith hand the Documents connected with this to the Court.

(HANDS DOCUMENTS TO COMMISSIONER.)

H1072-0008

DR. KEMPNER: Our point of view insofar as this is concerned ~~xxx~~ is as follows: First, we do not object that this report is made a part of the record and later translated, however, we object that more than four or five affidavits are translated as it was told during the last session of the commission. We will therefore decide this point later.

We would like to know something else and maybe the defense counsel will be kind enough to inform us. These affidavits are not written in straight form, but they have a lot of under-lines and under-scores. We would like to know why this was done and if the original affidavits were changed by emphasizing certain things by one pencil and changing others by another pencil. What is the real document, or in other words, which is the original?

DR. LATERNSER: All the underlining of the documents were done by co-workers and I beg you to regard these lines as having no value.

COMMISSIONER TAYLOR: As I understand, these affidavits were submitted to the workers or assistants and they under-scored them for attention or to emphasize what the affidavit contained. In other words, the under-scoring was added by them.

DR. LATERNSER: Yes.

DR. KEMPNER: We only wanted to know which were the originals.

DR. LATERNSER: In other words these lines are not part of the Document as such.

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COMMISSIONER TAYLOR: It is clearly understood by the prosecution and the defense that the under-scoring was added after the affidavit was written.

DR. KEMPNER: In the translation, it would not appear.

COMMISSIONER TAYLOR: That is correct. The translation will not show the under-scoring.

DR. LATERNSER: I agree to that.

Mr. President, I am finished with all my prepared documents and I thought it would take much more time in presenting these Documents today. I am prepared to present all my future documents in a like manner in the future.

DR. KEMPNER: We have no objection to this procedure, however, it might be a good idea in the next instance to follow the procedure of the commission and put in four or five affidavits for translation ~~and for summerization~~ and summerize the reports. Then we would have no objection at all.

COMMISSIONER TAYLOR: The commission will advise the defense counsel as to the form of summary to be used this afternoon about two o'clock and also what it will approve in the submission of future affidavits and if it is necessary for the summary to be submitted as requested by the prosecution. Colonel Neave will give you all of this information this afternoon.

H1072 - 0010

Since there are no further affidavits, the commission will adjourn.

(THE COMMISSION ADJOURNED AT 1105 HOURS.)

**********

The foregoing is a true and correct transcript of the testimony concerning affidavits, submitted by Dr. Laternser for the General Staff, taken on 19 July, 1946.

Alice Meehan
Reporter (pp.

CERTIFIED TO: Geo. A. Taylor
Commissioner.

Com. A.
Take 1-Pg. 1.
Meehan
19 July, 1946.
Affidavits.

File

595

(Duplicate copy)

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**********

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Mr. George R. Taylor.

(THE COMMISSION CONVENED AT 1000 HOURS.)

THE GENERAL STAFF.

MR. TAYLOR: We are ready to start with the presentation of affidavits, Dr. Laternser.

DR. LATERNSER: During the last meeting of the commission, I submitted some individual affidavits concerning the not carrying out of the Kommissar order. The following affidavits were approved for translation: Nos. ~~884 a, 884 b, and 884 c.~~ I herewith hand over to the Commission a list of further sworn affidavits, which prove that the Kommissar order was not carried out.

I herewith close my submission of affidavits concerning this Kommissar decree and it has been proved through these documents that this order, which generally was believed to have been a criminal order, was not approved by the army leaders and that they did not carry it out.

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H1072 – 0011

H1072 -0012

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Sworn Affidavit No. 903 by Field Marshall von Weichs concerning anti-partisan warfare in the southeast.

Sworn Affidavit No. 904 by General Blumentritt concerning the anti-partisan warfare in France.

H1072 - 0013



All of these afore named persons state that the anti-partisan warfare, due to its absolute military necessity, had to be carried out and was carried out in accordance with the international laws and the rules of anti-partisan war fare of 1942 to 1944. The commanders in chief of these groups were only responsible for their army or army group areas. Further to the rear the responsibility was in the hands of special SS and police leaders and the civil administration concerning the actions of the anti-partisan.

I submit sworn Affidavits Nos. 906 to 909. These sworn affidavits prove that especially cruel activities were carried out by the partisans.

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Sworn Affidavit No. 925 shows the extent of sabotage on railroads. At times more than one thousand sabotage acts or explosives were registered daily.

Sworn Affidavit No. 972 of Colonel General Johannes Friesner shows that 554 Germans in Prisoner of War Enclosure 314 near New Ulm did not know anything about the supposed intention of the German leadership to exterminate thirty million Slavs by way of anti-partisan actions.

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H1072-0014



DR. KEMPNER: The procedure this morning as followed by the defense counsel is not in line with the regulations given very accurately during and after the last session. Defense counsel was told that three to five affidavits would be accepted for translation and that three to five other affidavits might be summarized and that summarization should be put down in written form right here before the Commission. Therefore, we object against anything which does not follow these rules. We have no objection that the first three or four affidavits on Page one of this report be translated. If the six other affidavits on page two are summarized, we have no objection against that, but they are not summarized as yet.

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H1072 - 0015

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COMMISSIONER TAYLOR: No. You understand that this is not an acceptance, don't you, Dr. Laternser?

DR. LATERNSER: Yes.

With the partisan warfare closely connected during the ever-throw and uprising in Warsaw in 1944 and with the approval of the prosecution, I

H1072 - 0016

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DR. KEMPNER: You mean the Warsaw statement?

DR. LATERNSER: Yes.

COMMISSIONER TAYLOR: We will have the Warsaw statement translated and a copy placed in the record.

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(HANDS DOCUMENTS TO COMMISSIONER.)

H1072-0017

DR. KEMPNER: Our point of view insofar as this is concerned is as follows: First, we do not object that this report is made a part of the record and later translated, however, we object that more than four or five affidavits are translated as it was told during the last session of the commission. We will therefore decide this point later.

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DR. LATERNSER: Yes.

DR. KEMPNER: We only wanted to know which were the originals.

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H1072-0018



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COMMISSIONER TAYLOR: That is correct. The translation will not show the under-scoring.

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H1072-0019

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_____
Reporter (pp.

CERTIFIED TO:

_____
Commissioner.

H1072-0020

SUBMISSION OF AFFIDAVITS BY THE DEFENSE PURSUANT TO THE ORDER OF THE TRIBUNAL DATED 5 JULY 1946.

19 July 1946.

COMMISSIONER:

Mr. George R. Taylor

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THE GENERAL STAFF

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DR. LATERNSER: During the last meeting of the commission, I submitted some individual affidavits concerning the not carrying out of the Kommissar order. The following affidavits were approved for translation. I herewith hand over to the Commission a list of further sworn affidavits, which prove that the Kommissar order was not carried out.

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* * * * * * * * *

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H1072-0021

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I further hand over to you this list of sworn affidavits concerning these kind of partisan activities. With that, I close the giving of evidence for the

H1072-0022

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H1072-0023

cases like this that the action by the other side would be more severe, therefore severe actions were also created, even though they were not ordered. That is why these affidavits are relevant.

COMMISSIONER TAYLOR: As to the objections of Dr. Kempner. We will have the court reporter include them in the transcript and they will be submitted to the Commissioners and they will sort them out. We are handling the affidavits in this manner without exception so they can be considered by the Commissioners.

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DR. LATERNSER: I now go to the question as to whether there ever was a close group in the OKW and OKH, as the prosecution maintains. I herewith

H1072 - 0024

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(Hands Documents to Commissioner.)

H1072 – 0025



DR. KEMPNER: Our pointoof view insofar as this is concerned is as follows: First, we do not object that this report is made a part of the record and later translated, however, we object that more than four or five affidavits are translated as it was told during the last session of the commission. We will therefore decide this point later.

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Mr. President, I am finished with all my prepared documents and I thought it would take much more time in presenting these documants today. I am prepared to present all my future documents in a like manner in the future.

DR, KEMPNER: We have no objection to this procedure, however, it might be a good idea in the next instance to follow the procedure of the commission and put in four or five affidavits for translation and summarize the reports. Then we would have no objection at all.

COMMISSIONER TAYLOR: The commission will advise the defense counsel as to the

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form of summary to be used this afternoon about two o'clock and also what it will approve in the submission of furure affidavits and if it is necessary for the summary to be submitted as requested by the prosecution. Colonel Neave will give you all of this information this afternoon.

Since there are no further affidavits, the commission will adjourn.

(THE COMMISSION ADJOURNED AT 1105 HOURS.)

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The foregoing is a true and correct transcript of the testimony concerning affidavits, submitted by Dr. Laternser for the General Staff., taken on 19 July 1946.

Meeham
Reporter (pp)

CERTIFIED TO:

Taylor
Commissioner

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# B a n d e n k a m p f .

Ich beabsichtige nunmehr, ueber die Art des Bandenkampfes der Kommission eidesstattliche Erklaerungen zu ueberreichen.

Zunaechst beantrage ich die Uebersetzung folgender eidesstattlicher Erklaerungen:

1.) Eidesstattliche Erklaerung Nr. 933 des Generals der Kavallerie H a r t e n e c k ueber Massnahmen, die von Generalfeldm. v. W e i c h s fuer den Bandenkampf befohlen waren.

2.) Eidesstattliche Erklaerung Nr. 935 des Generalleutnants H e i d k a e m p e r , aus der sich ergibt, dass Generaloberst R e i n h a r d t auch im Bandenkampf die soldatischen Regeln einzuhalten befohlen hat.

3.) Eidesstattliche Erklaerung Nr. 939 des Generals der Jnfanterie H a h m , die eine Widerlegung der Aussage des Generals Roettiger in dem von der Anklage vorgelegten Affidavit Nr. 15 darstellt.

4.) Eidesstattliche Erklaerung Nr. 1033 des Generalobersten L i n d e m a n n , die die in der von der Anklagebehoerde vorgelegte Urkunde Nr.1786PS widerlegt, nach der der vorgenannte General einen Befehl gegeben haben soll, alle Bandenangehoerige zu erschiessen.

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5.) Eidesstattliche Erklaerung Nr. 1041 des Generals der Artillerie von M e l l e n t h i n , die einen Beweis liefert, dass selbst bei einem grossen Bandenunternehmen im rueckwaertigen Heeresgebiet die Fuehrung dem General der Polizei v. d. B a c h unter der Oberleitung Himmlers uebertragen worden ist.

6.) Der Kommission lege ich die eidesstattlichen Erklaerungen Nr. 901 bis Nr. 904 vor.

a) Eidesstattl. Erklaerung Nr. 901 stammt von General von B u t t l a r und ist von ihm anlaesslich seiner Vernehmung vor dem Gericht unter Eid als richtig bestaetigt worden. Sie bezieht sich auf den Bandenkampf auf allen Kriegsschauplaetzen.

b) Eidesstattl. Erklaerung Nr. 902 des Generals von G e r s d o r f f ueber den Bandenkampf im Osten.

c) Eidesstattl. Erklaerung Nr. 903 des FM. v. Weichs ueber den Bandenkampf im Suedosten.

d) Eidesstattl. Erklaerung Nr. 904 des Generals B l u m e n t r i t t ueber den Bandenkampf in Frankreich.

Uebereinstimmend bezeugen die vorgenannten Personen, dass der Bandenkampf aus zwingender militaerischer Notwendigkeit nach der dem Voelkerrecht entsprechenden Anweisung fuer die Bandenbekaempfung von 1942 bezw. 1944 durchgefuehrt worden ist.

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Die unter die Gruppe fallenden Oberbefehlshaber waren dabei nur verantwortlich fuer ihren Armee- bezw. Heeresgruppenbereich.
Weiter rueckwaerts trugen die Verantwortung besonders eingesetzte hoehere SS und Polizeifuehrer und die Zivilverwaltungen.

Ueber die Handlungsweise der Bandenkaempfer lege ich die eidesstattlichen Erklaerungen Nr. 906 bis 909 vor.
Diese eidesstattlichen Erklaerungen beweisen besondere Greueltaten von seiten der Banden aus.

Eidesstattliche Erklaerung Nr. 921 u. Nr. 924 beweisen das voellig rechtswidrige Auftreten der Bandenkaempfer in Kleidung und was Waffentragen anlangt.

Eidesstattliche Erklaerung Nr. 925 zeigt das Ausmass der Sabotageakte an Eisenbahnen. Bisweilen wurden taeglich weit ueber 1000 Sprengungen registriert.

Eidesstattliche Erklaerung Nr. 972 des Generaloberst en Johannes F r i e s n e r besagt, dass saemtlichen 554 , im PWE Nr. 314 in N e u - U l m befindlichen Generaelen, n i c h t s ueber die angebliche Absicht der deutschen Fuehrung bekannt gewesen ist, im Wege der Bandenbekaempfung 30 Millionen Slawen auszurotten.

Ich ueberreiche weiter mit der hiermit uebergebenen Liste eidesstattliche Erklaerungen ueber die Art des Bandenkampfes.

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| Nummer: | Dienstgrad u. Name des Ausstellers: | Betrifft: |
|---|---|---|
| 905 | Gen. d. Geb.Tr. W i n t e r | Bandenkrieg im Suedosten |
| 910 | Generalstabsarzt Dr. H o l m | Greueltaten der Banditen |
| 911 | Generalarzt Dr. H i n z e | " " " " |
| 920 | Gen.d.Fl. M u e l l e r | " " " " |
| 922 | Oberst A r e n d t s | Rechtswidriges Auftreten der Banden |
| 923 | Generalmajor S c h r a m m | " " " " |
| 926 | Oberstleutn. B u e r g e r | Ausmass der Sabotageakte |
| 927 | Generalmajor K o e r n e r | " " " |
| 928 | Oberst P e t r i | " " " |
| 929 | Oberstleutn. S c h u m m | " " " |
| 930 | Oberstleutn. V o e l k e l | " " " |
| 931 | Generalmajor K o e r n e r | " " " |
| 932 | Generaloberst W e i s s | Behandlung der Bandenkaempfer als Kriegsgefang. |
| 934 | Gen.d.Kav. H a r t e n e c k | " " " " |
| 936 | Gen.d.Art. H a n s e n | " " " " |
| 937 | Generaloberst H o t h | " " " " |
| 938 | Generaloberst H e i n r i c i | " " " " |
| 940 | Generalleutn. G r e i n e r | " " " " |
| 941 | Generalleutn. B e i e r | " " " " |
| 942 | Gen. W o e h l e r | " " " " |
| 943 | Oberlt. H i m m e l | " " " " |
| 944 | Gen.Major v.d. G r o e b e n | " " " " |
| 945 | Oberstltn. B u e r g e r | " " " " |
| 946 | Major K u s e | " " " " |
| 947 | Oberst R u e b e s a m e n | " " " " |
| 948 | Oberst M e t z | " " " " |
| 949 | Gen.Major Dethleffsen | " " " " |
| 950 | Gen.d.Art. T h e i s e n | " " " " |
| 951 | Gen.d.Inf. von S c h e e l e | " " " " |
| 952 | Gen. d. Inf. F a n g o h r | " " " " |
| 953 | Gen.Major S c h n e i d e r | " " " " |
| 954 | Oberst Graf v. J n g e l h e i m | " " " " |
| 955 | Oberstleutn. v. W i n n i n g | " " " " |
| 956 | Oberst L e u t h e u s s e r | " " " " |
| 957 | Major H i l l e r | " " " " |
| 958 | Major H u n d t | " " " " |
| 959 | Oberst R a i n e r | " " " " |
| 960 | Oberstleutn. E g g e r t | " " " " |
| 961 | Oberst B e n n e c k e | " " " " |
| 962 | Oberst T h i l o | " " " " |
| 963 | Oberst W a h l | " " " " |
| 964 | Major W e b e r | " " " " |
| 965 | Gen.d.Gebirgstr. V e r s o c k | " " " " |
| 966 | Oberst M e t z | " " " " |
| 967 | Gen.d.Art. Frh.v. R o m a n | " " " " |
| 968 | Gen.d.Art. R u e b e s a m e n | " " " " |
| 969 | Gen.d.Gebirgstr. K o n r a d | " " " " |
| 970 | Gen.Ob. G u d e r i a n | " " " " |
| 973 | Gen.d.Panzertr. v. Vormann | keine Kenntnis ueber Absichten der Juden- und Slwenausrottung. |

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| Name: | Dienstgrad u.Name des Ausstellers: | Betrifft: |
|---|---|---|
| 974 | Generalleutn. Gyldenfeldt | keine Kenntnis ueber Absicht.d.Juden-u.Slawen-ausrottung. |
| 975 | Generalleutn. W o e s s n e r | " " " " " |
| 976 | Gen. d. Art. Warlimont | " " " " " |
| 977 | Oberstleutn. F e l l m e r | " " " " " |
| 978 | Oberstleutn. M u e l l e r | " " " " " |
| 979 | Oberst F u e h n d r i c h | " " " " " |
| 980 | Oberst R e i s s i n g e r | " " " " " |
| 981 | Major P e t e r s | " " " " " |
| 982 | Major B e t t a g | " " " " " |
| 983 | Oberst B e n n e c k e | " " " " " |
| 984 | Oberstltn. W a i z e n e g g e r | " " " " " |
| 985 | Major A u g u s t i n | " " " " " |
| 986 | Oberstleutnant S e l l e | " " " " " |
| 987 | Oberst G r o e p l e r | " " " " " |
| 988 | Major M a y r | " " " " " |
| 989 | Major Schulze-Cassens | " " " " " |
| 990 | Major B u h l | " " " " " |
| 991 | Oberstleutn. M a r x | " " " " " |
| 992 | Major F i n t e l m a n n | " " " " " |
| 993 | Oberstleutn. Hans-Gg.v.Brauchitsch | " " " " " |
| 994 | Major H i l l e r | " " " " " |
| 995 | Oberstleutn. O b e r m a i r | " " " " " |
| 996 | Oberst H e s s e l | " " " " " |
| 997 | Gen.Major E c k h a r d | " " " " " |
| 998 | Oberstleutn. v. P f i s t e r | " " " " " |
| 999 | Oberstleutn. D i e t r i c h | " " " " " |
| 1000 | Oberst K i n i t z | " " " " " |
| 1001 | Oberst S t a n g e | " " " " " |
| 1002 | Major B r e t s c h n e i d e r | " " " " " |
| 1003 | Oberstleutn. K l u e t e r | " " " " " |
| 1004 | Oberstleutn. H a m l e r | " " " " " |
| 1005 | Major Frhr. v. Luedinghausen | " " " " " |
| 1006 | Oberst H a e r t e l | " " " " " |
| 1007 | Oberst P e t r i | " " " " " |
| 1008 | Major N e h m | " " " " " |
| 1009 | Oberstleutn. S c h a e d e r | " " " " " |
| 1010 | Major v. Z i n g l e r | " " " " " |
| 1011 | Oberst P o m t o w | " " " " " |
| 1012 | Oberstleutn. S a s s | " " " " " |
| 1013 | Major W o l f f | " " " " " |
| 1014 | Oberst v. D a w a n s | " " " " " |
| 1015 | Oberstleutn. V o e l k e l | " " " " " |
| 1016 | Major R u n g i u s | " " " " " |
| 1017 | Major J u i t l | " " " " " |
| 1018 | Oberstleutn. E n g e l s | " " " " " |
| 1019 | Oberstleutn. S c h u m m | " " " " " |
| 1020 | Oberst v. B l u m r o e d e r | " " " " " |
| 1021 | Major V o r d e r w u e l b e c k e | " " " " " |
| 1022 | Gen.Major G u n d d a c h | " " " " " |
| 1023 | Major M a y r | " " " " " |
| 1024 | Major Hasso v. Wingler | " " " " " |
| 1025 | Gen.Major K l o t z | " " " " " |
| 1026 | Oberstleutn. K o n s c h e | " " " " " |
| 1027 | Gen.Major W i e n | " " " " " |
| 1028 | Oberst K i n i t z | " " " " " |
| 1029 | Gen.d. Inf. Allmendinger | " " " " " |
| 1030 | Oberstleutn. M u e h l l e h n e r | " " " " " |

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| Name: | Dienstgrad u.Name des Ausstellers: | Betrifft: |
|---|---|---|
| 1031 | Oberstleutn. S a u e r b r u c h | keine Kenntnis ueber Absicht der Juden- und Slawenausrottung. |
| 1032 | Oberst T h i l o | " " " " " |
| 1034 | Gen.d.Art. S p e t h | Oberbefehlshaber 18. Armee hat nicht Befehl gegeben, alle Bandenangehoerigen zu erschiessen. Gegenbeweis zu 1786 PS. |
| 1035 | Generalmajor G i e s e k e | " " " " " |
| 1036 | Oberst B o r c h e r t | " " " " " |
| 1037 | Generalleutn. T o l s d o r f f | " " " " " |
| 1038 | Gen. d. Jnf. v. T e t t a u | " " " " " |
| 1039 | Gen.d.Gebirgstr. R i n g e l | " " " " " |
| 1040 | Generalleutn. Freiherr v.Neubronn | " " " " " |
| 1042 | Generalfeldm. Frhr.v. W e i c h s | schwere Kampfbedingungen im Bandenkampf Suedosten. |
| 1043 | Gen. d. Jnf. F e l b e r | " " " " ". |

Zur Frage des Bestehens einer "Gruppe" Generalstab und OKW

I.

1.) Die Anklage behauptet, dass durch einen bestimmten Kreis hoeherer militaerischer Fuehrer des Heeres, der Kriegsmarine und der Luftwaffe eine "Gruppe" in der deutschen Wehrmacht bestand, die sie als Generalstab und OKW bezeichnet.

Ich ueberreiche zum Nachweis, dass es niemals eine "Gruppe" Generalstab und OKW gegeben hat, sondern dass dieser Begriff "Gruppe" eine willkuerliche Zusammensetzung voellig voneinander verschiedener Dienststelleninhaber ist, noch dazu in voneinander grundverschiedenen Wehrmachtsteilen,

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4 Affidavits

Nr. 1 Nr. 1 des Generals d. Inf. v. O b s t f e l d e r ,

Nr. 2 Nr. 2 des Generalfeldm. v. K u e c h l e r ,

Nr. 3 Nr. 3 des Generaloberst R a u s ,

Nr. 4 Nr. 4 des Generals der Panzertruppen W e n c k .

Ich bitte diese zur vollinhaltlichen Uebersetzung zuzulassen und beantrage: d i e V o r l a g e b e i G e r i c h t .

2.) Zum weiteren Nachweis des Nichtbestehens der von der Anklage behaupteten Gruppe "Generalstab und OKW" beziehe mich auf die nachfolgenden Affidavits, die ich bitte, in das Protokoll verlesen zu duerfen.
Es sind folgende:

Nr. 5 Nr. 5 Affidavit des Gen. d. Inf. F o e r t s c h :

Durch diese Erklaerung wird dargetan, dass ueber einen dienstlichen Zusammenhang und ein militaerisches Unterstellungsverhaeltnis hinaus keine enge Zusammengehoerigkeit der Gruppenmitglieder bestand, die Mitglieder sich untereinander oft weder persoenlich noch dienstlich kannten, manche an Zusammenkuenften von Gruppenangehoerigen sowie auch an Fuehrerbesprechungen ueberhaupt nicht teilgenommen haben, viele erst nach Beginn des letzten "Angriffskrieges", also nach dem 22. 6. 1941, und zwar stets nur auf Befehl, in die "Gruppe" gekommen sind.

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Nr. 6 **Nr. 6 Affidavit des Generals der Panzertr. W e h r i n g**

Dieses Affidavit erweist, dass General Wehring auch erst am 3. 4. 1945 als Mitglied in die Gruppe uebernommen wurde, wobei er nicht zum Oberbefehlshaber der 1. Panzerarmee ernannt sondern nur mit der Fuehrung voruebergehend "beauftragt" war. Eine Ablehnung des Auftrages oder ein freiwilliges Ausscheiden kam aus Gruenden der Unmoeglichkeit des Ruecktritts nicht in Betracht.

Nr. 7 **Nr. 7 Affidavit des Generaladmiral M a r s c h a l l**

Dieses Affidavit ist ein Beweis dafuer, dass die sogen. Gruppenangehoerigen, soweit sie der Marine angehoerten, eine von den Generalstabsoffizieren des Heeres voellig andere militaerische Laufbahn hatten und dass die Marine ueber die Seekriegsleitung an den Aufgaben des Heeres und der Gesamtwehrmacht nur insoweit beteiligt war, als in Einzelfaellen eine operative Zusammenarbeit erforderlich war.

Nr. 8 **Nr. 8 Affidavit des Generals der Art. W a r l i m o n t**

Die willkuerliche Zusammensetzung der Gruppe wird hier durch den Nachweis erbracht, dass der "Stellvertretende Chef des Wehrmachtfuehrungsstabes" deshalb nicht zu den in der Gruppe zusammengeschlossenen "Verbrechern" zugerechnet werden kann, weil diese Dienststelle erst am 1. 1. 43 gebildet, nicht zu den Spitzenstellen der Wehrmacht gehoerte, und der Stelleninhaber selbst als Oberst und spaeter als Generalmajor nicht zu den "hoeheren militaerischen Fuehrern" gezaehlt werden kann.

Nr. 9 **Nr. 9 Affidavit des Generaloberst S t u m p f f**

Aus dieser Erklaerung ergibt sich, dass ein enges militaerisches Zusammenarbeiten zwischen den Generalstabschef der beiden Wehrmachtsteile, Heer und Luftwaffe, nicht bestand.

Nr. 10 **Nr. 10 Affidavit des Generals der Nachrichtentr. P r a u n**

Durch dieses Affidavit wird bewiesen, dass ein gemeinsamer Nachrichtenverbindungs- und Beschaffungsdienst, der doch als eine wichtige Voraussetzung fuer ein enges Zusammenarbeiten der 3 Wehrmachtsteile gelten muss, zwischen dem Heer, der Kriegsmarine und Luftwaffe nicht bestanden hat, die vielmehr alle eine eigene Nachrichtentruppe unterhielten.

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3.) Da die uebrigen, zu diesem Beweisthema dienlichen Affidavits groesstenteils den gleichen Inhalt haben, so sollen sie zur Ergaenzung und Bestaerkung der bisher durch die Vorlage und Verlesung der Erklaerungen gefuehrten Beweises dienen. Ich ueberreiche deshalb die restlichen Affidavits in ihrer Gesamtheit mit einer Liste, die den Inhalt der einzelnen Urkunden in wenigen Stichworten angibt.

(Liste in besonderer Anlage)

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Anlage

# L I S T E

der Affidavits Nr. 11 - 21 der "Gruppe" Generalst. u. OKW

| Nr. | Aussteller | Inhalt |
|---|---|---|
| 11 | Genob. v. S a l m u t h | Kein gemeinsamer Zusammenschluss der Gruppenmitglieder, ebenso keine Beteiligung an den Fuehrerentscheidungen |
| 12 | Gen.d.Fl. K o l l e r | Keine militaer. Einheitlichkeit |
| 13 | Genob. W e i s s | Fehlen jeglicher Merkmale fuer einen Zusammenschluss als "Gruppe"; Fuehrerbefehl ueber Geheimhaltung |
| 14 | Adm. S c h u s t e r | Keine militaer. Einheitlichkeit vom Standpunkt der Marine aus gesehen |
| 15. | Genob. H a r p e | Keine einheitl. Einstellung u. Meinungsbildung, keine Planung von Angriffskriegen |
| 16 | Gen. d. Art. H a n s e n | Zwangsweiser Beitritt in die "Gruppe"; keine Bindungen der Oberbefehlshaber untereinander, stark wechselnde Zusammensetzung |
| 17 | Gen. d. Panzertr. N e h r i n g | Gegensaetzl. Auffassungen der Oberbefehlshaber widersprechen einer einheitl. Planung; Beschraenkung der Oberbefehlshaber durch Geheimhaltungsbefehle auf ihren eigenen Befehlsbereich |
| 18 | Feldm. v. K l e i s t | Kein gemeinsamer Zusammenschluss der hoeheren militaer. Fuehrer |
| 19 | Genob. F r i e s s n e r | desgl.; Fuehrerbesprechungen waren keine "Beratungen", sondern Befehlsempfang |
| 20 | Genlt. v. N a t z m e r | desgl.; keine gemeinsamen "Beratungen" der Oberbefehlshaber, starker Wechsel unter ihnen; Ernennung auch gegen ihren Willen |
| 21 | Genob. H o t h | desgl.; ausgepraegte Persoenlichkeiten der Oberbefehlshaber standen einem Zusammenschluss der Gruppenmitglieder entgegen |

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Zur Frage des Bestehens einer "Gruppe" Generalstab und OKW

II.

1.) Ich komme in weiterer Beweisfuehrung gegen die Behauptung der Anklage, dass die hoeheren militaerischen Fuehrer eine"Gruppe"gebildet haben, noch auf einige besondere Punkte zurueck, die die Anklage ihrerseits als Beweis fuer eine "verschworene Gemeinschaft" des"Generalstab und OKW" angefuehrt hat. Die Anklage hat auf die Teilnahme der Generaele an verschiedenen Fuehrerbesprechungen hingewiesen, die wechselseitigen Beziehungen zwischen den politischen und militaerischen Fuehrern (Partei und Wehrmacht) dargelegt und das Streben der Offiziere, Fuehrerstellen zu erreichen und sich in diesen zu halten, als Beweis fuer die Mitwirkung zur Erreichung der p o l i t i s c h e n Ziele angesehen.

Zur Widerlegung dieser besonderen Einzelbehauptungen bitte ich

4 Affidavits

in das Protokoll zu verlesen, die ich gleichzeitig hiermit vorlege. Es sind folgende:

Nr. 30 Nr. 30 Affidavit des Generalleutnants H e u s i n g e r

Nach diesem Affidavit waren die Fuehrerbesprechungen keineswegs eine "Beratung" bei Hitler als Oberbefehlshaber der Wehrmacht durch die anwesenden militaerischen Fuehrer sondern diese lassen erkennen, dass Hitler seinen Generaelen misstraute, ihnen schwere Vorwuerfe wegen ihrer zoegernden Haltung machte und erklaerte, dass er ihnen keine freie Hand in der militaerischen Fuehrung lassen koennte.

Nr. 31 Nr. 31 Affidavit des Generals der Art. W a r l i m o n t

Auch diese Erklaerung zeigt, dass die Generaele keineswegs mit den politischen und militaerischen Plaenen Hitlers einverstanden waren. Wiederholthat Hitler bei den Besprechungen auf die Hemmungen und Widersprueche hingewiesen, denen er seitens seiner Generaele staendig ausgesetzt war.

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Nr. 32

Nr. 32 Affidavit des General d. Art. W a r l i m o n t

Nach diesem Affidavit ist der Beweis erbracht, dass die Fuehrerbesprechungen, insbesondere die vom 22. 8. 39 auf dem Berghof und eine andere kurz vor dem Russlandfeldzug lediglich Darlegungen der politischen Zusammenhaenge durch den Fuehrer waren, um den Generaelen seine militaerischen Entschluesse zu offenbaren. Eine Aussprache ueber die von ihm beabsichtigten Operationen und deren Durchfuehrung fand in keinem Falle statt. Die Besprechungen trugen den Charakter von Befehlsausgaben.

Nr. 33

Nr. 33 Affidavit des General d.Art. W a r l i m o n t

Mit dieser Erklaerung wird erwiesen dass Hitler im Juli 1944 einen scharfen Befehl erliess, der jeden Ruecktritt eines Oberbefehlshabers untersagte. Ferner lag schon ein Befehl vom Herbst 43 vor, wonach eine groessere Anzahl naemantlich benannter Offiziere in ihren Stellungen zu verbleiben hatten.

2.) In ergaenzender Beweisfuehrung lege ich weitere Affidavits vor, deren Inhalt ich in der beigefuegten Liste kurz angegeben habe.
(Liste in besonderer Anlage)

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Anlage

# L I S T E

der Affidavits Nr. 34 - 54 der "Gruppe" Generalstab und OKW

| Nr. | Aussteller | Inhalt |
|---|---|---|
| 34 | GF v. Kuechler | Ansprache Hitlers an die Generaele und Besprechungen im Fuehrerhauptquartier |
| 35 | Gen. d. Art. Warlimont | Einstellung der militaer. Fuehrer zu den Plaenen Hitlers |
| 36 | Gen. d. Inf. Brennecke | Mangelndes Vertrauen Hitlers zu den Generaelen und deren Einfluss auf ihn |
| 37 | Gen.d.Pz.Tr. Nehring | Erfolgloser Widerspruch d. Gen.v.Manstein waehrend eines Vortrages bei Hitler |
| 38 | " " " " | Gegenvorstellungen bei Vortraegen vor Hitler waren unangebracht |
| 39 | Genob. Zeitzler | Einstellung Hitlers zu den Oberbefehlshabern; Gruende fuer die haeufigen Verabschiedungen; keine Ruecktrittsmoeglichk. |
| 40 | Gen.d.Fl. Kreipe | Einflussnahme der Oberbefehlshb. auf die Entschluesse des Fuehrers waren unangebracht und meist erfolglos |
| 41 | Gen. d. Inf. Blumentritt | desgl. |
| 42 | Genob. v. Falkenhorst | Verbot des Ruecktritts |
| 43 | Genob. Guderian | Sein Verhaeltnis zu Hitler |
| 44 | Oberstlt. Waizenegger | Lagebesprechungen bei Hitler |
| 45 | Gen. d. Fl. Koller | "Beratung" Hitlers durch die Oberbefehlshaber unmoeglich |
| 46 | Genob. Christian | Lagebesprechungen und alleinige Entschlussfassung Hitlers hierbei |
| 47 | Genlt. v. Natzmer | Keine Moeglichkeiten zur Aenderung des Systems im Kriege |
| 48 | Gen.d. Pz.Tr. Nehring | Fuehrerbesprechung vom 23.11.39, wobei Hitler den Generaelen den Vorwurf der Feigheit machte |
| 49 | Gen.d.Fl. Koller | Verhaeltnis zwischen Wehrmacht und Partei |
| 50 | Gen.d.Pz.Tr. Nehring | desgl. |
| 51 | GF v. Kuechler | Ruecktrittsmoeglichkeiten und Einstellung Hitlers hierzu |
| 52 | Gen.d.Pz.Tr. Nehring | desgl. |
| 53 | Genob. Friessner | desgl. |
| 54 | Genmaj. Christian | desgl. |

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Jn der letzten Verhandlung vor der Kommission habe ich einzelne eidesstattliche Erklaerungen ueber die nicht erfolgte Durchfuehrung des Kommissarsbefehls vorgelegt.

Zur Uebersetzung sind mir die eidesstattlichen Erklaerungen

Nr. 324 a,
" 324 b,
" 324 c,
" 333 u.
" 336

bewilligt worden.

Jch ueberreiche der Kommission eine Liste ueber weitere eidesstattliche Erklaerungen, die Beweis dafuer erbringen, dass der Kommissarbefehl nicht durchgefuehrt worden ist.

Anlage.

H1072 – 0041

| Nummer: | Dienstgrad u.Name des Ausstellers | Betrifft: |
|---|---|---|
| 308 | FM. v. K u e c h l e r | Befehl nie gehabt,keine Kenntnis,dass je 1 Komm.erschossen, Ablehnung. |
| 310 | Gen.Ob. H e i n r i c i | Verbot der Durchfuehrung. |
| 312 | Gen.v. O b s t f e l d e r | bez.allgem.Ablehnung u.Nichtdurchfuehrung. |
| 313 | Gen.Ob. D e s s l o c h | keine Weitergabe,keine Erschiessung bekannt. |
| 314 | Gen.Ob. W e i s s | Befehl s.Zt.i.s.Division nicht inkraft gesetzt. |
| 315 | Gen. B r e n n e c k e | bestaetigt Ablehnung und Nichtdurchfuehren bei H.Gr.Nord (FM.v.Leeb),18.Armee(v.Kuechler), 16.Armee(FM.v.Busch),Pz/Gr.4 (Gen.O.Hoeppner) . |
| 318 | Gen.Dr.Conrad R i c h t e r | bestaetigt Einstellung v.Kluge wie unter 317 u. 311. |
| 319 | Gen.v. B o t h | Nicht ausgefuehrt,bestaetigt gleiches Verhalten bei 6 anderen Generaelen u.FM.v.Busch. Unter den 6 Generaelen sind 2 Gruppenmitglieder. |
| 320 | Gen. F e l b e r | Befehl Komm. wie Gefangene abzuschieben, bestaetigt das auch fuer 2 weitere Div.K., davon 1 spaeter Gr.-Mitglied. |
| 321 | Gen.Lt. B u r d a c h | bestaetigt, dass FM. v. Kuechler in Besprechung v. Russland-Krieg ablehnte und Nichtdurchfuehrung entspr. Zusatzbefehl FM.Brauchitsch anordnete. Zugegen alle K.G. u. Div.Kdre. der 18. Armee. |
| 322a | Gen.Major L a n g h a e u s e r | bestaetigt Haltung FM. v. Leeb |
| 322b | Gen. B a l c k | Befehl als nichtbeachtet vorgefunden bei 11. Pz.-Div. |
| 323 | Oberstltn. G u d e r i a n | bestaetigt, dass Befehl durch Zusatz v. Brauchitsch praktisch aufgehoben war. |
| 325 | Gen. W e n c k | Nichtweitergabe bei 1. Pz.Div. |
| 326 | Gen. K r u e g e r | " " " " " " |
| 327 | Gen. v. W i e t e r s h e i m | " " " " " " |
| 328 | Gen.Major S c h o l z | Nichtdurchfuehrung bei 28. Jaeg. Div., gleiche Bestaetigung fuer XXXV.AK. |
| 329 | Gen.Ltn. K l e i n r a t h | Nichtweitergabe i. Luftgau II. |
| 330 | Oberstltn. B u e r g e r | IX A.K. hat Durchfuehrung untersagt,betr.: 3 Div. -137,292 u. 26.3. J.D. |
| 331 | Gen.Major K l e s s | v.Fl.Korps hat Befehl nicht weitergegeben. |
| 332 | Oberst L e u t h e u s e r | Kdo.296 J.D. hat Befehl nicht ausgefuehrt. |
| 334 | Gen. V o g e l | K.G. XX.AK. hat Nichtdurchfuehrung Kdo.vor Kriegsbeginn nahegelegt. |
| 335 | Gen. Freiherr v. Schweppenburg | XXIV Pz.-Korps hat Befehl nicht durchgefuehrt. |
| 337 | Gen.Major v. H u e l s e n | Kav.Division hat nur vorbefohlen. |
| 338 | Gen.Major S e e g e r s | 131 Inf.Div.Befehl wie Nr. 336 |

H1072 - 0042

| Nummer: | Dienstgrad u.Name des Ausstellers | Betrifft : |
|---|---|---|
| 339 | Gen.Major S o e t h | bestaetigt Befehl 1. Pz.Div. s.Nr. 325, 326, 327. |
| 340 | Oberst G e y e r | XIII.A.K. u. 78. Jnf. Div. nicht durchgefuehrt. |
| 341 | Gen. v. V o r m a n n | XXVIII AK. wie vor. |
| 342 | Gen. B e y e r | 44. Jnf. Div. wie vor. |
| 343 | Gen. Major G a e d e | 110. Jnf. " " " |
| 344 | Gen.Ltn. O p p e n l a e n d e r | 125. " " " " |
| 345 | Gen.Lt. v. N e t z m e r | 161.J.D.,XXXIX Pz.Korps, Div. Grossdeutschland nicht durchgefuehrt. |
| 346 | Gen.Lt. D i p p o l d | 183. Jnf. Div. wie vor |
| 347 | Gen. M e y e r - B u e r d o r f | bei Div. nicht genannt-nicht durchgefuehrt. |
| 348 | Gen.Major L i n d e | Jaeg.Regt.229-101.Jaeg.Div. wie vor. |
| 349 | Admiral S c h m u n d t | m. Beispiel Nichtdurchfg.belegt. |
| 350 | Major S c h u l z e - C a s s e n s | 29. Jnf. Div.(mot.) hat getr. Zurueckholen befohlen. |
| 351 | Major B r e i t h a u p t | 30.Jnf. Div.(mot.) wie vor. |
| 352 | Gen.Lt. G o e t t k e | bei XXXVI AK nicht bekannt. |
| 353 | Gen. H a r t e n e c k | Aussage fuer Kav.Korps u. 2. Armee. |
| 354 | Gen.Major H e y d e n r e i c h | fuer 3. J. D. ( mot. ) |
| 355 | Oberst H e p p | fuer V. Korps,9.u.213.Jnf.Div. |
| 356 a | Gen. F r e t t e r - P i c o ) | |
| 356 b | Oberst H e s s e l ) | |
| 356 c | Major S c h u l z ) | Aussage ueber 97 ic Jnf. Div. |
| 357 | Gen. Lt. B a i e r | ueber 102. u. 342. Jnf. Div. |
| 358 | Gen. E b e r h a i d t | ueber 60.Jnf. Div. ( mot. ) |
| 359 | Oberst D e i n h a r d t | ueber 223. Jnf. Div. |
| 360 | Gen. Lt. v. B a s s e | ueber 225. " " |
| 361 | Oberst F r i e d r i c h | ueber 246. " " |
| 362 | Major H o f f m a n n | ueber 268. " " |
| 363 | Major B e s s e r e r | ueber 268. " " |
| 364 | Major H i l l e r | ueber 1. Pz. Div., 6. Pz. Div., 269. Jnf. Div. |
| 365 | Gen.Major F a b i u n k e | ueber 2. Pz. Div. |
| 366 | Oberst R a i n e r | ueber 2. Pz. Div. |
| 367 | Gen. Lt. U r e i n | ueber 6. " " |
| 368 | Gen.Lt. Graf S p o n e c k | ueber 9. " " |
| 369 | Major Freiherr v. Luedinghausen | ueber 11." " |
| 370 | Major Freiherr v. Collenberg | ueber 23." " |
| 371 | Oberstlt. W e b e r s t e d t | ueber III. Pz. Korps u. 23. Pz. Div. |
| 372 | Gen.Major K o r t e | ueber 13 Luftwaffen Feld.-Div. |
| 373 | Gen.Lt. W i l k e | ueber verschiedene Divisionen. |
| 374 | Gen. W i e s e | ueber Rgt. 39 |
| 375 | Major M e y e r | ueber 1 Schwadron. |
| 376 | Oberstlt. F e l l m e r | ueber 13 rumaenische Div. u. italien. Expeditionskorps in Russland. |

Translate in entirety.

H1072 - 0043

Niederwerfung des W a r s c h a u e r - Aufstandes (1944).

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Die Niederwerfung des Aufstandes in Warschau im Jahre 1944 spielt eine besondere Rolle.
Ich beantrage, die eidesstattliche Erklaerung Nr. 1501 des Generaloberst en G u d e r i a n zu uebersetzen.
Aus ihr ergibt sich, dass

a) Gen. der Polizei und Waffen-SS von dem B a c h mit der Niederschlagung des Aufstandes in Warschau beauftragt war.

b) Gen. v.d. Bach fuer die Aufgabe vom RFSS Himmler eingesetzt war, diesem unmittelbar unterstand,und von diesem seine Befehle erhielt, also weder OKH noch Heeresgruppe Mitte noch 9. Armee unterstand.

c) Die Masse der in Warschau eingesetzten Truppen SS und Polizeitruppen waren, dabei auch die SS - Brigade Kaminski.

d) Die besonderen Gewalttaten in Warschau gegen die Bevoelkerung von der SS-Brigade Kaminski(Russen) herruehren, und dass diese Brigade zur Verhuetung weiteren Unheiles unter Mitwirkung des Gen. Oberst Guderian aus dem Kampf gezogen, ihre Fuehrer bestraft wurden.

f) Fuer die aus Warschau entweichende Bevoelkerung unter besonderer Hilfe der 9. Armee vorbildlich gesorgt worden ist.

g) Nach der durch Gen. v. d. Bach und die Dienststellen des Heeres betriebene Kapitulation die gefangenen Aufstaendigen nach Voelkerrecht als Kriegsgefangene behandelt worden sind.

H1072 - 0044



h) Danach die Zerstoerung Warschau's vom Fuehrer ueber Himmler an Gen. d. Polizei von dem Bach befohlen worden ist, das Heer an diesem Befehl und seiner Ausfuehrung keinen Anteil hatte, im Gegenteil versucht hat zu erhalten, was militaerisch nutzbar blieb.

Diese Erklaerung liefert weiter den Gegenbeweis zu dem von der Anklage vorgelegten Affidavit Nr. 13 des Rittmeisters S c h e i d t .

Die eidesstattlichen Erklaerungen Nr. 1502 bis Nr.1507 werden aufgrund der angefertigten Liste ueberreicht.

H1072 - 0045

| Nummer: | Dienstgrad u.Name des Ausstellers: | Betrifft: |
|---|---|---|
| 1502 | Gen.d.Pz.Tr. W e n c k | kein Wehrmachtsbefehl, Warschau zu zerstoeren. |
| 1503 | Gen.d.Pz.Tr. Frhr. v. Lusttwitz | Befehlsfuehrung bei der Niederwerfung des Aufstandes. |
| 1504 | Gen.d.Pz.Tr. v. Vormann | " " " " " |
| 1505 | Oberst von B o n i n | " " " " " |
| 1506 | Generalmajor v. A h l f e n | " " " " " |
| 1507 | Oberst B o d e n s t e i n | " " " " " |